COLAB SAN LUIS OBISPO
WEEK OF AUGUST 13-19, 2017

THIS WEEK

VACATION RENTAL BROKER AIRbnb, INC. TO COLLECT TOT FOR COUNTY

WATER RESOURCES ADVISORY COMMITTEE TO BE EXPANDED

(BOS SHOULD STOP, REVIEW THE WHOLE SUBJECT, AND EXAMINE REFORMS)

LOS OSOS SEWER HOLDOUTS COULD BE FINED

ARE MORE JAIL LAWSUITS HERE YET?

LAST WEEK

A LITE WEEK AT THE BOS

(MEETINGS ARE FASTER UNDER NEW BOARD MAJORITY/COULD THEY HAVE FEWER?)

PLANNING COMMISSION REVIEWS PROPOSED MARIJUANA REGS IN DETAIL & CONTINUES FOR FURTHER WORK

WATER RESOURCES ADVISORY COMMITTEE TO BE EXPANDED

(BOS SHOULD STOP, REVIEW THE WHOLE SUBJECT, AND EXAMINE REFORMS)

SLO COLAB IN DEPTH

(SEE PAGE 11)

OBAMACARE IMPLOSION ROCKS SANTA BARBARA[1]

By Andy Caldwell

HIGH-SPEED RAIL GETS US STUCK IN TRAFFIC

By David Schwartzman

THIS WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, August 15, 2017 (Scheduled)

Item 2 - Request to approve a Voluntary Collection Agreement (VCA) with Airbnb, Inc. to provide for the collection of Transient Occupancy Tax and related assessments. In an interesting partnership with a private sector company the County will enter into a voluntary agreement with Airbnb, Inc. Airbnb is one of the largest websites in the country for owners of vacation rentals to list their properties and for customers to make reservations, pay deposits, and so forth.

Under the arrangement, Airbnb will collect the transient occupancy tax and remit it to the County. There is no charge or fee. Reportedly Airbnb feels that this is both an ethical practice to level the playing fields with hotels and a great convenience for its potential customers.

[1] **COLAB NOTE**: Anthem Blue Cross, an Obamacare insurer, will also be exiting San Luis Obispo County.

The write-up, as a sidelight, contains some significant information about how important vacation rentals are to the San Luis Obispo County economy and County revenue:

There are currently 1,323 licensed lodging businesses operating in the unincorporated areas of the County. Of the licensed lodging businesses, 1,139 are vacation rentals. In the 2016-17 fiscal years, licensed lodging businesses reported and remitted over $9.4 million in TOT to the County General Fund.

In addition to the 9% TOT, hosts are also required to collect a 1% assessment for the county-wide Tourism Marketing District (TMD). In some areas of the County, hosts are also required to collect a 2% assessment for the County Tourism Business Improvement District (CBID).

Item 5 - Request to approve revisions to the bylaws of the Water Resources Advisory Committee (WRAC) of the Flood Control and Water Conservation District. The purpose of this item is to modify the bylaws of the WRAC to expand membership to include the new State Groundwater Act groundwater management agencies (GSAs) that are being formed and to stiffen the rules for attendance and creation of a quorum at its monthly meetings.

The item is on the consent agenda and should be pulled and rescheduled as a Board business item to provide the public better noticing and opportunity for consideration. The WRAC contains 34 members of which 20 are appointed from the County, cities and community service districts, 2 from the Regional Conservation districts, 3 by agriculture, 3 from environmental organizations, 1 from the development industry, 2 from water companies, 1 from the State prison, 1 from Cuesta College, and1from Camp SLO. As noted above, approval of this item will add new members representing the new GSAs. These could include the County itself, the 2 new large Paso Basin GSAs, the Edna Valley GSA, the Cuyama Valley GSA, the Atascadero-Templeton GSA, and others. It's not clear what happens if a city creates its own GSA. Does it get another representative on the WRAC? The bylaws say each entity only gets one but it's not clear how the issue will eventually be sorted out.

Aside from the token development community rep and the 3 Ag reps, most of the members represent a government agency. No limited government, tax reform, private property advocates, groups representing homeowners, business development, or other citizen and private concerns are included. Once in a while 1 or 2 of the 5 Board of Supervisors appointed citizen reps will attempt to bring up some concerns, but they are outvoted and chastised by the overwhelmingly bureaucratic and environmental interests.

In the recent past the WRAC has been a strong advocate for increased regulation and the expansion of government, water rationing, development moratoria, and so forth.

Rural residents are woefully underrepresented in favor of urban residents. The fact that WRAC overwhelmingly advocated for the abortive AB 2453 Water Management District, which was defeated by almost 80 percent of the voters, underscores how far the majority of the members are out of touch.

It will be interesting to see how the marijuana industry will impact the WRAC.

Rather than blithely consider expansion (the thing is beginning to look like the phony rubber stamp legislature of some former Soviet Republic), the Board should stop and take a look at the fairness, effectiveness, and relevance of the whole thing.

Background: The Water Resource Advisory Committee (WRAC) is an official County committee with the purpose of providing advice to the Board of Supervisors on water and water-related matters. The By-Laws state that purpose of the WRAC is:

1. *To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the San Luis Obispo County Flood Control and Water Conservation District. The Committee shall determine the needs and financial capabilities of the District with respect to water resources and upon deliberation shall convey their recommendations to the Board of Supervisors.*

2. To recommend to the Board of Supervisors specific water resource and water conservation programs with recognition of the economic and environmental values of the programs. Further, to recommend to the Board of Supervisors other programs concerning the objectives and purposes of the San Luis Obispo County Flood Control and Water Conservation District Act.

3. To recommend methods of financing water resource programs.

Item 8 - Consideration of options and direction to staff to achieve compliance with Chapter 8.93 of the County Code requiring connection to the Los Osos Wastewater System. The staff is seeking approval by the Board to adopt measures to compel holdouts to hook up to the Los Osos sewer system. As noted in the paragraph from the write-up below, there are about 185 unconnected properties.

As of August 2017, approximately 92% of the required connections have been made, leaving about 340 properties unconnected. Of that number, 99 are awaiting connection through the County's low-income connection program and 56 respondents to the June survey indicated that they are well into the process of connecting, or had already connected. Subtracting leaves 185 properties as the focus of this action (4.5% of required connections).

Accordingly, the staff recommends that the board authorize the sanctions listed below:

Direct staff to develop and return to the Board a comprehensive plan containing:

a. Processes and procedures achieving connection on sale for all properties within the Service Area of the Los Osos Wastewater Project.

b. Processes and procedures prohibiting issuance of any building permit to any site not in compliance with Chapter 8.93, with exceptions for making the required connection and permits to correct health and safety violations.

c. Timed initiation of the Code Enforcement process, including daily fines, ultimately providing the Board the option to issue a Board Order to abate an existing nuisance (i.e., use of an on-site wastewater system).

d. Ongoing public outreach and notification.

Item 10 - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three. The item title is not specific, but it is possible that the "significant exposure to litigation" could pertain to further allegations and filed or potential legal actions asserting County negligence related to jail deaths, illegal detention, and improper treatment. To date the Board has not indicated if it will undertake a complete and independent investigation of the Sheriff's Department, Behavioral Health Department, and Health Agency and the specific actions or lack of actions by employees and management related to the past and emerging trouble.

Apparently the County has refused media demands to release a videotape that may contain footage of circumstances leading to the death of Andrew Holland. It is not known if any media outlet has filed a court action to compel the County to release the video.

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, August 8, 2017 (Completed)

There were no major policy items on the Board agenda for last week's meeting. The meeting only took about an hour including ceremonial presentations and public comment. The current Board majority and Chairman seem to be efficient. It is possible that the Board could function with fewer meetings.

Planning Commission Meeting of Thursday, August 10, 2017 (Completed)

Item 2 - A request by the County of San Luis Obispo for the following amendments in order to establish Cannabis Activities, which includes Cannabis Cultivation, Cannabis Nurseries, Cannabis Manufacturing, Cannabis Testing Facilities, Cannabis Distribution, and Cannabis Dispensaries, as allowed land uses (pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act). The Commission began its review of draft amendment regulatory ordinances, which once considered and modified will be forwarded to the Board of Supervisors for potential adoption. After a full day of detailed review the staff was instructed to bring back a number of adjustments as well as to research certain matters to inform future consideration. Accordingly the matter was continued to the Commission's September 14, 2017 meeting for potential finalization and forwarding to the Board of Supervisors. The Board of Supervisors will tentatively consider the matter on October 3, 2017.

There was surprisingly small public attendance given the issues involved and the potential profits. It is possible that these interests are simply waiting for the matter to reach the Board. Most of the speakers were in favor of an expansive industry. However one person pointed out that the County already approved 9,000 acres of solar panels in one of the most intensely listed endangered species areas in the US. Why would they care about a few hundred acres of marijuana in California Valley?

As predicted, the major question is how many marijuana facilities (outdoor grows, greenhouses, refining facilities, distribution facilities, delivery services, and retail outlets) should be allowed in total. The Commission is divided on the issue with 1st District Commissioner Ray Brown and 5th District Commissioner Don Campbell favoring a more conservative approach limiting the numbers until the County can assess the experience after several years of operation. District 2 Commissioner Michael Multari and District 3 Commissioner Julie Hawkins favor a more expansive and robust version. Multari actually stated that his first choice would be no limits. These 2 Commissioners reflect the progressive views of their respective appointers, Supervisors Gibson and Hill. Fourth District Commissioner Harrison, Supervisor Compton's appointee, does not like artificial limits but is concerned that water is a huge limitation and that limits must be established in that regard.

The Planning staffer, Project Manager Brandi Cummings, who has been assigned to analyze the issue and who has developed the County policy and ordinance, displayed a masterful and detailed understanding of the issue. She is able to understand the meaning of the Commissioners' questions and provides direct, thoughtful, and concise answers. When she doesn't have the answer she says so. She is prudently careful not to let her own opinion of the matter intrude into the discussion.

It would be worthwhile for the both the Commission and subsequently the Board of Supervisors at some point to relieve her of the institutional strictures, and to allow her to state her actual opinions unfettered by prior policy direction of the Board and others based on her expertise. “Ms. Cummings in a perfect world and if you were actually making the decisions, what would you personally and professionally recommend in regard to recreational marijuana in San Luis Obispo County?”

She appears to be a very disciplined and professional team player, but from time to time there is slight edge as she answers. The public would benefit from knowing what she really thinks.

Unanswered questions of the day:

- Should the County allow Uber and Lyft to deliver marijuana products door to door?
- Should the County allow marijuana products to be sold in gas station stores, liquor stores, bars, adult stores, smoke shops, convenience stores, and wineries? After all you can fill up at Chevron and pick up a pack of Camel cigarettes and some ice cold tall boy beers too.
- How will you know if the Gummy Bears your kid has, contain marijuana or not?
- Because marijuana, under Federal law is a Class I illegal narcotic, the federally chartered and regulated banking system will not serve the industry. Much of the business must be handled with cash. How will this impact mortgages, federally backed farm loans, and other Federal assistance?
- A significant portion of the financing of the Los Osos Sewer Treatment system is provided by a US Department of Agriculture (USDA) loan ($40 million). What if the USDA or the bank handling the loan on its behalf has a problem?

Background: The effort is the result of the passage of Proposition 64 last November by the voters, which legalized recreational marijuana. The measure passed statewide and in all 5 supervisory districts in SLO County. Philosophically the Supervisors seem to differ somewhat in terms of their enthusiasm for the legalization by the State. Hill and Gibson are most receptive, if not proactively in support. Arnold, Compton, and Peschong have expressed reservations about various aspects at different times over the past year. Nonetheless all would appear to support the County allowing some degree of commercial production, processing, distribution, and retailing.

To date there has not been any formal public consideration of the relative benefits of legalizing recreational use versus potential problems generated by its legalization. The focus has been on land use issues, such as the allowable number of sites, size of sites, distance between sites and surrounding homes, and similar concerns. Although under Federal law marijuana is deemed to be a Class I illegal narcotic, this status has been presumed to be irrelevant and/or an issue for the State to resolve with the Federal Government. It is unlikely that the Planning Commission will consider these matters, as its assignment is to deal with the land use aspects.

The marijuana industry is conducting educational sessions, public briefings, and tours of marijuana production facilities for officials, civic groups, and the public. The public health community and the law and justice community have been represented on a County task force that has worked with the Planning Department to prepare the draft ordinance.

There seems to be broad concurrence about the general direction at this point.

The most significant overall policy question: How large will the County allow the industry to become? Under State law the County has broad discretion about the size and intensity of the industry. It could outlaw all commercial production, processing, and retailing, or it could support a very robust and expansive industry or anything in between.

Subject areas of regulation covered in the draft ordinance include:

– Requirements for All Cannabis Activities

– Cannabis Cultivation

– Cannabis Nurseries

– Cannabis Manufacturing

– Cannabis Testing Facilities

– Cannabis Dispensaries

– Cannabis Distribution

– Grounds for Revocation

– Procedure for Revocation

– Enforcement

The draft ordinance limits the actual grow sites to 100 and then distributes these geographically in proportion to the acreage in the County's 5 Planning Areas per the table below:

Planning Area	Lot Count[1]	Acreage	# of Permits
North County	11,925	855,002	59
San Luis Obispo	1,021	50,844	5
South County	4,578	270,629	23
Coastal[2]	2,676	148,048	13
Carrizo	959	136,663	0 - Prohibited

[1] *Lot Count includes only those lots in land use categories that allow non-exempt cultivation (Agriculture, Rural Lands, Residential Rural, Industrial)*

[2] *Coastal Planning Areas include Estero, North Coast, San Luis Bay-Coastal, and South County-Coastal*

* *See Attachment 4 for a complete breakdown of acreage and lots by land use category*

22.40.050 - Cannabis Cultivation

A. Limitation on use. Except as provided in Section 22.04.020, cannabis cultivation may only be permitted in the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories with a land use permit in each case and as may further be restricted by this Title.

1. Limit on the number of cannabis cultivation operations. No more than one hundred (100) permitted cannabis cultivation operations may be permitted within the unincorporated area of the County at any one time. Any "site", as defined by this Title, may receive land use permit approval for more than one cannabis cultivation operation, provided each cannabis cultivation operation does not exceed the size threshold established by state law. The Board of Supervisors shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, and investigation process of land use permits issued for cannabis cultivation.

2. Distribution of the number of cannabis cultivation operations. The allowed number of permitted cultivation sites (100) shall be distributed as follows by Planning Area based on the total number of available parcels in land use categories allowing cannabis cultivation. The distribution shall be a maximum for each Planning Area.

North County 59

San Luis Obispo 5

South County 23

Coastal Planning Areas (combined) 13 (Estero, North Coast, San Luis Bay-Coastal, South County-Coastal)

Carrizo Prohibited

At this point, and as the write-up points out, over 400 cultivators have applied for registration under the County's Urgency Cultivation Ordinance. Of these, 349 have been registered. There may be hundreds more unregistered sites as well. As the write-up somewhat understatedly points out: *Given the overwhelming number of interested cultivators, much discussion has taken place on what an appropriate limit would be for cannabis cultivation sites.*

The October 1, 2016 satellite image below shows a representative segment of California Valley. Large sections of the valley are planted with marijuana fields (called grows). The rectangular areas in the image are illustrative. There are extensive areas of California Valley with similar development.

The difficulty for the Planning Commission and ultimately the Board of Supervisors will be how to cut this back (if that is their ultimate intention) in the teeth of hundreds of growers and affiliated businesses that would be put out of business.

The Board does not seem to have expressed any overriding concerns about potential harmful consequences of the County hosting a large marijuana industry. If that view holds, one would have to ask what would be the rationale for restricting its expansion. No one was concerned about grapes until their use of groundwater became an issue.

As a separate project, staff is considering the operational costs of regulating the industry and the appropriate fee structure for removing the costs.

Beyond the fees, staff is considering potential revenue enhancements that could result from various types of taxes (subject to voter approval), which the state legislation allows counties and cities to impose on marijuana at virtually every stage of production from cultivation through retailing. To date there has been no modeling of the magnitude of potential revenues keyed to potential industry scale scenarios, which the County might consider. Thus the land use consideration is operating in a vacuum vis-a-vis the economic potentials on both the economic and social costs side and the potential revenue side.

The draft ordinance can be viewed at the web link:

http://agenda.slocounty.ca.gov/agenda/sanluisobispo/7675/MDJfQ29hc3RhbCBab25lIEFtZW5kbWVudHMucGRm/12/n/80943.doc

COLAB IN DEPTH

IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES AND FORCES

Obamacare implosion rocks Santa Barbara[2]

By Andy Caldwell

There are several reasons Congress has failed to repeal and replace Obamacare. First and foremost is that once people get something for free or nearly free, they consider the benefit an unalienable right. The Democratic Party understands this principle all too well, as they have been building their brand on government dependency since the days of Franklin D. Roosevelt's New Deal and Lyndon B. Johnson's Great Society. In the end, America got nothing less than a raw deal and our economy is collapsing due to the cost of a society built on the cracked foundation of never-ending social welfare programs. President Obama simply carried the tradition forward, adding socialized medicine to the list of freebies under the pretext of insurance reform.

The Republican Party was, and still is, nothing less than a deer in the headlights. None of them voted for Obamacare. Now in charge, they are too cowardly to tell the American people the basic

[2] **COLAB NOTE**: Anthem Blue Cross, an Obamacare insurer, will also be exiting San Luis Obispo County.

and essential truth that nothing in life comes free. Moreover, the ultimate ability to control medical costs can and will only be achieved when every single individual has skin in the game. That is to say, when patients are receiving something for free, they become indiscriminate and they refuse to shop for a better deal.

Real insurance, however, is based on factors relevant to risk. These factors include age, lifestyle, weight, sex, fertility and preexisting conditions. Any plan that does not take into account these factors is not really insurance; it is a form of welfare. Society should be willing to help the less fortunate who need help through no fault of their own. However, unless and until the rest of us are held responsible for poor lifestyle choices, by way of higher premiums, how can we afford to do it all?

For instance, what does it cost to subsidize the health care needs of addicts? Moreover, why should you have to pay to subsidize electives such as gender reassignment surgeries, erectile dysfunction, birth control, abortion or a whole litany of other procedures and meds that are not truly medically necessary?

Currently, many doctors are refusing to take patients covered by Obamacare and Medicare because the reimbursements are too low. This speaks to a distortion in the free market economy in that the government is demanding medical providers to work for free or nearly free.

Other considerations Congress must take into account in order to create affordable health care include our system of patenting prescriptions, including the cost to bring new medicines and devices to market, tort reform, the cost and limitations of credentialing more doctors, and incentive-based universal health savings accounts.

Most of California, including Santa Barbara, received the news that Anthem Blue Cross was pulling out of Obamacare. This is no surprise. Several states have only one Obamacare insurance provider; numerous counties have none. Obamacare is imploding because the implementation of the program did nothing to address all the aforementioned underlying problems that have served to create market distortions in our health care delivery system.

Andy Caldwell is the executive director of COLAB of Santa Barbara County and host of The Andy Caldwell Radio Show, weekdays from 3-5 p.m., on News-Press Radio AM 1290.This article first appeared in the Santa Barbara News Press of August 9, 2017.

High-speed rail gets us stuck in traffic

By David Schwartzman

It will soon be nine years since high-speed rail was passed in California. But Californians haven't gotten the high-speed rail system they were promised. Instead, high-speed rail has taken a new form: it is more expensive and smaller in scope, and it will substantially increase traffic congestion in urban areas.

High-speed rail will cost Californians billions of dollars. In urban areas, increased traffic may cost Californians billions more. Its business plan relies on unrealistic ridership projections. The project is devoid of private funding because businesses see high-speed rail as likely to run at a loss. While high-speed rail wastes more taxpayer dollars, the private sector makes it obsolete with technological innovation, which will reduce future income from the high-speed rail system. High-speed rail authorities have violated federal law by making significant changes to the proposition approved by voters. High-speed rail has not been the success voters imagined when the bill passed.

When voters approved Proposition 1A with 52.7%, the estimated cost for high-speed rail going from Sacramento and San Francisco to San Diego was $45 billion. However, a 2011 business plan by the California High-Speed Rail Authority projected costs to be $98.5 billion, and potentially as high as $118 billion, while also ending at Anaheim rather than San Diego. Despite the enormous difference in cost, Californians were not consulted about whether they were still interested in high-speed rail. Instead, the project was scaled down, with slower speeds and fewer new tracks, estimated to cost $68.4 billion, and later $64 billion.

However, even the $64 billion figure, 42.2% higher than what voters approved, has proved unrealistic. High-speed rail has consistently been behind schedule and over budget. Figures show that the eventual cost may exceed $100 billion. World Bank numbers reveal high-speed rail in California is projected to cost $56 million per kilometer, the highest cost in the world.

To reduce projected costs, the state embraced a so-called blended system, where high-speed rail trains share tracks with local commuter systems at the northern and southern ends of the line. After an alteration to the high-speed rail business plan, the first phase of construction will connect the Bay Area with the Central Valley. The new plan will not meet the 2 hour 40 minute maximum travel time required by Proposition 1A. The blended system also violates Proposition 1A's mandate that trains be fully independent and not shared.

In the densely populated Peninsula, the introduction of high-speed rail under the blended system will cause massive time increases. During the peak hour, trains will pass through every three minutes. New perimeter fencing and four-quadrant gates have officials concerned about increased congestion in the 41 places where train tracks meet the streets. According to a report by rail transportation expert Paul Jones, the number of vehicles that can cross the rail grade in gate up periods between trains during the peak will decrease by 60%. During peak hours, gate down times will approximately double. The cost of Bay Area traffic congestion is already $2.6 billion a year. New delays could mean millions or billions more in lost productivity.

The top speed for high-speed rail within the blended system will be 110 miles per hour. This means the California High Speed Rail Authority can avoid using grade separation (tracks going either under or over streets) on the Peninsula, which federal authorities require at speeds over 125 miles per hour. At 110 miles per hour, safety becomes an issue given the amount of gate crossings on the Peninsula. The local commuter system, Caltrain, already averages 12 fatalities a year since 1992, and has had nearly quadruple the fatalities of nearby BART, which is more extensive. In the absence of grade separation, increased speeds could jeopardize more lives.

What is this all for? In the Bay Area, the time benefits high-speed rail provides are minimal. The top speed for Caltrain between San Francisco and San Jose is 79 miles per hour. Currently, a bullet train goes from San Francisco to San Jose in 57 minutes. A high-speed rail "super express train" will go from San Francisco to San Jose in 47 to 49 minutes.

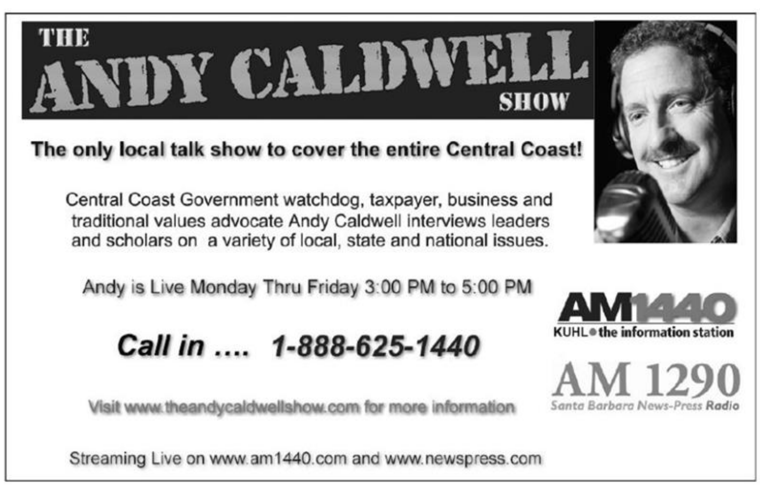
A 2012 Caltrain study found that for a workable schedule, local commuter service and high-speed rail must go at the same speed on the same tracks. High-speed rail can only go top speed on bypass tracks. During peak hour, high-speed rail must go the same speed as local commuter service. Such limitations defeat the purpose of a high-speed rail system.

It is no surprise that local citizens and government officials have been almost unanimous in their opposition to high-speed rail. When compared to the increased traffic burdens, high-speed rail looks to have a net negative effect on the Bay Area.

California does not have money to waste on high-speed rail. Our January 2017 study found that California has $1.3 trillion in state and local debt, including between $713 billion and $1.02 trillion in unfunded pension obligations. Given the high cost, poor execution, and questionable need, there is no reason to turn to high-speed rail to improve infrastructure. It is time to end the high-speed rail project before any more taxpayer money is wasted.

David Schwartzman is a Policy Research Fellow at the California Policy Center. He is a rising senior studying economics, mathematics, and finance at Hillsdale College. This article first appeared on the California Policy Center website on July 24, 2017.

ANNOUNCEMENTS



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(Revised 2/2017)